

Introduced by Senator Walters

February 20, 2014

An act to amend Section 14043.55 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 1212, as introduced, Walters. Medi-Cal: moratoria on enrollment of providers.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law authorizes the department to implement a moratorium on the enrollment of providers in the Medi-Cal program under specified circumstances.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 **SECTION 1.** Section 14043.55 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 14043.55. (a) The department may implement a 180-day
- 4 moratorium on the enrollment of providers in a specific provider
- 5 of service category, on a statewide basis or within a geographic
- 6 area, except that no moratorium shall be implemented on the
- 7 enrollment of providers who are licensed as clinics under Section

1 1204 of the Health and Safety Code, health facilities under Chapter
2 2 (commencing with Section 1250) of the Health and Safety Code,
3 clinics exempt from licensure under Section 1206 of the Health
4 and Safety Code, or natural persons licensed or certified under
5 Division 2 (commencing with Section 500) of the Business and
6 Professions Code, the Osteopathic Initiative Act, or the
7 Chiropractic Initiative Act, when the director determines this action
8 is necessary to safeguard public funds or to maintain the fiscal
9 integrity of the program. This moratorium may be extended or
10 repeated when the director determines this action is necessary to
11 safeguard public funds or to maintain the fiscal integrity of the
12 program. The authority granted in this section shall not be
13 interpreted as a limitation on the authority granted to the
14 department in Section 14105.3.

15 (b) If the Secretary of the United States Department of Health
16 and Human Services establishes a temporary moratorium on
17 enrollment as described in federal regulations, the department shall
18 establish a corresponding moratorium covering the same period
19 and provider types, even if those provider types would not
20 ordinarily be subject to a moratorium under this section, unless
21 the department determines that the imposition of the moratorium
22 will adversely impact beneficiaries access to medical assistance.
23 A federal moratorium adopted under this subdivision shall not be
24 subject to the director's determinations regarding safeguards of
25 public funds and program integrity or other prerequisites that are
26 necessary to implement a state-initiated moratorium.

27 ~~(e) (1) This section shall become operative on the effective date~~
28 ~~of the state plan amendment necessary to implement this section,~~
29 ~~as stated in the declaration executed by the director pursuant to~~
30 ~~paragraph (2).~~

31 ~~(2) Upon approval of the state plan amendment necessary to~~
32 ~~implement this section under Section 455.470 of Title 42 of the~~
33 ~~Code of Federal Regulations, the director shall execute a~~
34 ~~declaration, to be retained by the director and posted on the~~
35 ~~department's Internet Web site, that states that this approval has~~
36 ~~been obtained and the effective date of the state plan amendment.~~
37 ~~The department shall transmit a copy of the declaration to the~~
38 ~~Legislature.~~

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